



# House of Representatives

General Assembly

**File No. 551**

February Session, 2008

House Bill No. 5699

*House of Representatives, April 9, 2008*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***AN ACT IMPROVING OUTCOMES FOR CHILDREN UNDER THE CUSTODY, CARE OR SUPERVISION OF THE COMMISSIONER OF CHILDREN AND FAMILIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1      Section 1. (NEW) (*Effective July 1, 2008*) (a) With respect to any child  
2      or youth who is under the custody, care or supervision of the  
3      Commissioner of Children and Families due to abuse, neglect or  
4      having been found dependent or uncared for, the commissioner shall  
5      arrange for such child's or youth's case to be reviewed by the court  
6      having jurisdiction over the custody, care or supervision at least once  
7      every ninety days in accordance with subsection (c) of this section.

8      (b) With respect to any child or youth who is under the custody,  
9      care or supervision of the Commissioner of Children and Families due  
10     to abuse, neglect or having been found dependent or uncared for, the  
11     commissioner shall arrange for the child's or youth's case to be  
12     reviewed by the court having jurisdiction over the custody, care or  
13     supervision, in accordance with subsection (c) of this section, after the

14 occurrence of any of the following events concerning the child or  
15 youth:

16 (1) Transfer of the child or youth from more than two  
17 nonemergency placements within a six-month period;

18 (2) Overstay of an emergency or temporary placement of the child  
19 or youth by more than thirty days, including a placement in a safe  
20 home, shelter or short-term assessment resource center or other short-  
21 term assessment and respite service program;

22 (3) Transfer of the child or youth to an out-of-state placement;

23 (4) Any change of placement of the child or youth that results in a  
24 change of schools;

25 (5) Any expulsion hearing regarding the child or youth;

26 (6) Any arrest or placement of the child or youth in the Connecticut  
27 Juvenile Training School, Manson Youth Institution, York Correctional  
28 Institution or other secure facility;

29 (7) The failure of the commissioner to place the child or youth for  
30 adoption not later than six months after termination of parental rights;

31 (8) The failure of the commissioner to place the child or youth in a  
32 permanent family residence not later than eighteen months after the  
33 child is placed under the custody, care or supervision of the  
34 commissioner; or

35 (9) The child's attaining the age of sixteen.

36 (c) (1) Hearings required under subsections (a) and (b) of this  
37 section shall be in addition to any other regularly scheduled judicial  
38 hearings or reviews regarding the child or youth.

39 (2) The Commissioner of Children and Families shall file an  
40 application with the court having jurisdiction over the custody, care or  
41 supervision not later than seven calendar days prior to the date a

42 review is required under subsection (a) of this section, and not more  
43 than three calendar days after learning of the existence of one of the  
44 events specified in subsection (b) of this section, except that the  
45 representative of the child or youth may file an application with such  
46 court for a hearing required under subsection (a) or (b) of this section if  
47 the commissioner does not file such application by the deadline  
48 established in this subsection. The court shall schedule a hearing on  
49 any such application not later than seven calendar days after such  
50 application is filed unless the hearing is continued for good cause.

51 (d) Except as provided in subsection (e) of this section, at least five  
52 calendar days before any hearing required under subsection (a) or (b)  
53 of this section, the Department of Children and Families shall prepare  
54 and file with the court and the representative of the child or youth a  
55 report detailing the history and current status of the child or youth.  
56 The report shall include the following information with respect to the  
57 child or youth:

58 (1) Current and prior placements for the child or youth;

59 (2) Educational progress of the child or youth, including (A) the  
60 number of school transfers for the child or youth, and the department's  
61 determination of whether the child's or youth's remaining in a prior  
62 school after a change in placement is in the child's or youth's best  
63 interest, (B) the child's or youth's attendance records, (C) the child's or  
64 youth's grades, (D) the child's or youth's disciplinary records, (E) the  
65 child's or youth's progress towards fulfilling course requirements for  
66 advancement to the grade level associated with the child's or youth's  
67 age, (F) the department's determination of need, if any, for special  
68 education services for the child or youth, (G) implementation of any  
69 existing individualized education plan for the child or youth, (H) for  
70 children and youths fourteen years of age or older, progress toward  
71 fulfilling course requirements for graduation from high school and  
72 admission to an institution of higher education, (I) for youths sixteen  
73 years of age or older, the plan for paying for and taking examinations  
74 for college admission, (J) for youths sixteen years of age or older, a

75 statement of whether the youth has been advised individually, in  
76 person and in writing, of the funding available from the Department of  
77 Children and Families for the payment of higher education expenses,  
78 including tuition and application fees, (K) for youths sixteen years of  
79 age or older, a statement of whether the youth's guidance counselor or  
80 other official at the youth's school has been informed of the  
81 Department of Children and Families' policy regarding payment of  
82 higher education expenses, including tuition and application fees, and  
83 (L) extracurricular activities of the child or youth;

84 (3) Physical well-being, including the child's or youth's most recent  
85 medical, psychological and dental examinations;

86 (4) The child's or youth's visitation plan with siblings and relatives,  
87 including biological parents;

88 (5) The specific permanency plan for the child or youth, the status of  
89 the factors on which the plan depends, an estimate of the plan's  
90 likelihood for success, and the contingency plan in the event the plan is  
91 not successful, including the timeline for determining when the  
92 contingency plan should go into effect;

93 (6) The child's or youth's juvenile delinquency record, if any; and

94 (7) For all youth sixteen years of age or older, a detailed plan for  
95 preparing such youth to develop skills as the child matures so that the  
96 services of the commissioner are no longer required, including (A) an  
97 evaluation of the appropriateness of the youth's remaining under the  
98 custody, care or supervision of the commissioner until age twenty-one,  
99 and (B) a plan for assisting the youth with: (i) Establishing and  
100 supporting life-long family connections with adults who are significant  
101 to such youth, (ii) housing, (iii) health care, (iv) credit and financial  
102 services, (v) employment, (vi) education, including higher education,  
103 and (vii) emotional and social supports.

104 (e) If a plan for transferring the child or youth out of the custody,  
105 care or supervision of the commissioner has been submitted to the

106 court pursuant to a review under this section, the Department of  
107 Children and Families shall only be required to file an update on the  
108 implementation of the plan at any subsequent hearing required under  
109 this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	New section

**JUD**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

## **OFA Fiscal Note**

### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 09 \$</b>	<b>FY 10 \$</b>
Children & Families, Dept.	GF - Cost	at least 8.4 million	at least 8.3 million
Children & Families, Dept.	GF - Revenue Gain	at least 1.3 million	at least 1.3 million
Attorney General	GF - Cost	625,000	625,000
Judicial Dept.	GF - Cost	at least 3.3 million	at least 3.2 million
Commission on Child Protection	GF - Cost	1.3 million	1.3 million
Comptroller Misc. Accounts (Fringe Benefits) <sup>1</sup>	GF - Cost	at least 2.7 million	at least 6.3 million

Note: GF=General Fund

**Municipal Impact:** None

### **Explanation**

The bill increases the frequency (by three) with which the Superior Court must review the case of each child or youth in the care and custody, or under the supervision of, the Department of Children and Families (DCF) due to child protection issues. It requires additional hearings within fifteen days of certain specified changes in a child's case; it also imposes new DCF reporting requirements related to these hearings.

Enactment would result in significant costs to DCF, the Office of the Attorney General, the Judicial Department and the Commission on Child Protection. These costs would be associated with staffing

<sup>1</sup> The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The first year fringe benefit costs for new positions do not include pension costs. The estimated first year fringe benefit rate as a percentage of payroll is 25.36%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS fringe benefit rate is 33.27%, which when combined with the rate for non-pension fringe benefits totals 58.63%.

needed to prepare for and participate in a significant number of additional hearings. There are currently 12,033 open child welfare cases subject to court oversight. (As of February 2008, the court had 3,648 pending child protection cases. Approximately 10,500 new cases are added annually.)

To accommodate this enhanced workload, DCF would require at least an additional 134 Social Workers, at an FY 09 cost of approximately \$8.4 million (\$8.3 million in FY 10 as one-time equipment costs would not recur). This estimate is based upon the need to dedicate an additional 21 hours of work per case per year. Partially offsetting revenues of approximately \$1.3 million would be generated via federal reimbursements (at 16%) of costs associated with Title IV-E<sup>2</sup> eligible children.

The Office of the Attorney General would require an additional 10 Assistant Attorney Generals to meet the increased caseload and frequency of hearings required under the bill. The annual cost of the increased staffing, including salaries and related expenses, is approximately \$625,000. An additional \$150,000 in fringe benefits costs would be incurred in FY 09 (\$350,000 in FY 10).

Given the magnitude of the existing caseload and the increased frequency of mandatory hearings, it is anticipated that the Judicial Department would require 42 additional court staff to handle the workload increase. The FY 09 cost of this staffing enhancement, including salaries, other expenses and equipment, is more than \$3.3 million. Costs would fall to \$3.2 million in subsequent years as equipment expenses would not recur. In addition to the operating costs identified above, the Judicial Department is likely to incur significant capital and/or lease costs to provide additional space to conduct hearings in accordance with the bill.

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<sup>2</sup> Title IV-E of the federal Social Security Act authorizes federal reimbursement to states for costs of services provided to eligible children in foster homes or other placements under a court order or voluntary agreement.

The Commission on Child Protection would experience a similar increase in demand for contract attorneys to represent indigent clients and to serve as guardians ad litem. The annual cost of this increase is anticipated to be approximately \$1.3 million.

The Office of the State Comptroller would experience increased fringe benefits costs of at least \$2.7 million in FY 09 and \$6.3 million in FY 10 in response to these staffing expansions.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.



**OLR Bill Analysis****HB 5699*****AN ACT IMPROVING OUTCOMES FOR CHILDREN UNDER THE CUSTODY, CARE OR SUPERVISION OF THE COMMISSIONER OF CHILDREN AND FAMILIES.*****SUMMARY:**

This bill increases court oversight over the status of children under the custody, care, or supervision of the Department of Children and Families (DCF) due to abuse, neglect, or having been found dependent or uncared for. It requires DCF to arrange for each child's case to be reviewed by the appropriate court at least every 90 days. Currently, state and federal laws require yearly reviews; a case can be reviewed more often if a party requests a hearing.

The bill also requires prompt court review upon the occurrence of specified events. And it requires DCF to submit detailed reports to the court and child's representative at least five days before either type of court hearing. Current law requires DCF to submit reports on the steps that it has taken to achieve permanency for the child before each yearly hearing. The reports required under the bill must contain more detailed information.

EFFECTIVE DATE: July 1, 2008

**TRIGGERING EVENTS FOR PROMPT COURT HEARINGS**

Under the bill, court hearings must be held promptly after the child or youth:

1. has been transferred from more than two nonemergency placements within six months;
2. has remained in an emergency or temporary placement, including safe homes, shelters, short-term assessment resource

centers, or other short-term assessment and respite service program for more than 30 days longer than the period specified for that type of placement (“overstayed”);

3. has been transferred to an out-of-state placement;
4. has changed schools because of a placement change;
5. is the subject of a school expulsion hearing;
6. is arrested or detained in the Connecticut Juvenile Training School, Manson Youth Institution, York Correctional Institute, or another secure facility;
7. has been free for adoption for at least six months, but not placed with an adoptive family;
8. has been in DCF care for at least 18 months and has not been placed in a permanent family residence; or
9. has attained age 16.

Hearings concerning these events are in addition to the 90-day reviews mandated by the bill.

### **SCHEDULING HEARINGS**

The bill directs the DCF commissioner to file an application with the appropriate court at least seven days before the date a 90-day review hearing is required. For hearings triggered by a change in the child’s circumstances, she must file the application within three calendar days of learning of the change. A child or youth’s representative may file the application if the commissioner misses the deadline.

The bill directs the court to schedule a hearing within seven calendar days after an application is filed. It may grant continuances for good cause.

### **CONTENTS OF PRE-HEARING REPORTS**

The reports DCF must file at least five days before review hearings

must detail the child or youth's history and current status. They must include information about the youngster's:

1. current and prior placements;
2. educational progress (see below);
3. physical well-being, including the most recent medical, psychological, and dental examinations;
4. visitation plan with siblings and relatives, including biological parents;
5. specific permanency plan, including the status of factors on which the plan depends, an estimate of the plan's likelihood for success, and the contingency plan in the event the permanency plan is not successful, including a timeline for determining when the contingency plan should go in effect;
6. juvenile delinquency record, if applicable; and
7. for children age 16 or older, a detailed plan for preparing them to develop skills as they mature so that DCF services are no longer required (see below).

### ***Information Related to Educational Progress***

The section of the report detailing the child or youth's educational progress must include:

1. the number of times the youngster has changed schools, and DCF's determination of whether remaining in a prior school after a change in placement is in his or her best interests;
2. attendance and disciplinary records and grades;
3. progress towards fulfilling course requirements to advance to the grade level associated with the youngster's age;
4. DCF's determination of any need for special education services;

5. information about the implementation of any existing individualized education plan for a youngster eligible for special education services;
6. information about the youngster's extracurricular activities;
7. for those age 14 or older, progress toward graduating from high school and admission to an institution of higher education;
8. for those age 16 or older, the plan for paying for and taking college admission examinations (presumably SATs and similar standardized tests) and a statement of whether the youth has been advised individually, in person and in writing, of DCF funding available for higher education expenses, including tuition and application fees; and
9. for those age 16 and older, a statement of whether the youth's guidance counselor or other school official has been informed of DCF's policies with respect to higher education funding.

***Information Related to Developing Independent Living Skills***

The section of DCF's report concerning its plan to assist youth develops independent living skills must include:

1. an evaluation of the appropriateness of having the youth remain in DCF care until age 21 and
2. how it plans to assist the youth with (a) establishing and supporting life-long family connections with significant adults, (b) housing, (c) health care, (d) credit and financial services, (e) employment, (f) education, including higher education, and (g) emotional and social support.

***Updating Reports***

The bill specifies that once DCF has submitted a pre-hearing report that contains a plan to transfer a child or youth out of its custody, care, or supervision, any subsequent report it must file under the bill's provisions need only contain an update on the implementation of the

plan.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea    43    Nay   0    (03/24/2008)